

## REMARKS

Favorable reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

Currently, claims 1, 2, 4, 5, 8, 10-17 and 19-38 remain pending in the present application, including independent claims 1, 10, 21 and 23. The claims are directed to a carton adapted for storing and displaying stacked sheet material, such as napkins, a sheet material dispenser, and a system for transporting and displaying sheet material in a 3-sided carton.

In the Office Action Summary, the disposition of the claims incorrectly negates claim 10. Claim 10 is currently pending in the present application.

In the Office Action, claims 1 and 32 are objected to for use of the language "a perforation line". The Office Action states that "a perforation line" should be - -perforation lines- - in order to make sense and agree with what has been shown in the drawings. However, Figures 2 and 3 show a first arch 36 comprising a single perforation line. In addition, Figures 2 and 3 show a second arch 37 comprising a single perforation line.

Further, claims 33, 35, and 38 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that "[w]ith respect to claims 33, 35, and 38, the recitation of 'the first outer side wall and the first inner side wall which are not secured to each other' and 'the second outer side wall and the second inner side wall which are not secured to each other' are considered new matters because there is no support in the original disclosure of what is being claimed." However, the disclosure of the current invention states that "[t]he first arch 36 and second arch 37 form a dividing line between the portion of the side walls which are adhesively secured to each other and the portion of said walls which is not adhesively secured." (Page 8, lines 4-7). In addition, Figure 7 clearly shows the first arch 36 forms a dividing line between portions of the outer and inner side walls that are secured to each other and that are not secured to each other.

In the Office Action, claims 2, 33, and 38 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 has been amended in response to the rejection.

The examiner states that claims 33 and 38 "appear to be misdescriptive and/or inaccurate because the arch dividing lines (36, 37) does not locate between the respective outer side wall and inner side wall." However, as explained above, the disclosure of the current invention states that "[t]he first arch 36 and second arch 37 form a dividing line between the portion of the side walls which are adhesively secured to each other and the portion of said walls which is not adhesively secured." (Page 8, lines 4-7.) In addition, Figure 7 clearly shows the first arch 36 forms a dividing line between portions of the outer and inner side walls that are secured to each other and that are not secured to each other.

In the Office Action, all of the claims were also rejected under 35 U.S.C. § 102 or 35 U.S.C. § 103 in view of numerous prior art references, including U.S. Patent No. 4,230,258 to Lane, U.S. Patent No. 5,901,843 to Gambardella et al., U.S. Patent No. 2,331,038 to Meller, and U.S. Patent No. 4,275,811 to Miller. As discussed in more detail below, however, it is believed that the claims as currently amended patentably define over all of the prior art of record.

#### **Independent Claim 1**

Claim 1, which was rejected under 35 U.S.C. § 102 in view of Lane, is directed to a carton adapted for storing and displaying stacked sheet material. The carton includes a bottom panel that is joined to a first side wall and a second side wall. A first flap extends from the first side wall over at least a portion of the bottom panel and is secured to the bottom panel. The first side wall includes a first outer side wall and a first inner side wall that are secured together. As now amended, claim 1 requires that the first inner side wall extend from the first outer side wall over at least a portion of the first outer side wall.

A first side wall, as defined in claim 1, is shown in Figure 6 at 28 and 29. As stated in the specification, the first and second inner side walls 27-29 are folded over, rotated, and pushed down upon the first outer side wall 22 and second outer side wall 28, respectively. A side wall as defined in claim 1 and described in the present specification is absent from Lane. As such, Applicant submits that claim 1 patentably defines over the cited prior art.

For instance, Lane discloses and teaches a package that includes side walls in a triangular configuration. The triangular configuration is necessary in Lane in order for the package to hold jars or bottles. Thus, Lane fails to disclose or suggest a carton as defined

in claim 1 in which the first inner side wall extends from the first outer side wall and over at least a portion of the first outer side wall.

#### **Independent Claims 10 and 21**

Claims 10 and 21 both require that the carton or dispenser include a first side wall and a second side wall that are joined to a bottom panel. The first side wall includes a first outer side wall and a first inner side wall, while the second side wall similarly includes a second outer side wall and a second inner side wall.

Each of the inner side walls are joined to flaps that extend from each side wall and over the bottom panel. The flaps are affixed to the bottom panel. As now amended, the outer side walls are placed adjacently secured to the inner side walls. Such a configuration is not disclosed or suggested by the cited prior art.

For instance, Gambardella et al. teach adhesive on a blank carton. Gambardella et al., however, fails to disclose or suggest a first flap and a second flap that extend from the side walls and over a bottom panel.

Similarly, Miller also fails to disclose or suggest a carton or a dispenser that includes flaps positioned over and affixed to a bottom panel.

The tray disclosed in Lane does include flaps 11 that rest upon the panel 3. Lane, however, teaches extending the panels 11 in between the panel 5 and the panel 6 that form the side walls. Thus, the side walls in Lane assume a triangular shape for, according to Lane, holding jars or bottles. Thus, Lane fails to disclose or suggest a carton or dispenser including flaps that extend from a side wall and over the bottom panel in a manner that causes the outer side walls to be placed adjacently secured to the inner side walls.

The remaining reference cited in the Office Action, Meller, similar to Lane, teaches a merchandise holder having triangular shaped side walls. Specifically, each side wall includes a wall 9 that is spaced from a bracing wall 17. Further, the holder includes portions 18 that are folded below the bottom panel. As described in Meller in column 2, the bracing walls are only secured to the floor section to allow partial flexing of the side walls when the device is holding bottles, cans and the like.

Thus, Meller, similar to Lane, fails to disclose or suggest a carton or dispensing device that includes first and second flaps extending from each side wall and over a

bottom panel in a manner that causes the inner and outer side walls to be placed adjacently secured to each other. Meller, in fact, teaches away from such a configuration.

As such, it is believed that claims 10 and 21 patentably define over each of the above cited prior art references when either taken alone or in combination.

### **Independent Claim 23**

Claim 23 is directed to a system for transporting and displaying sheet material in a 3-sided carton. The carton includes a bottom panel joined to a first side wall and a second side wall. A sheet material, such as napkins, is stacked upon the bottom panel. Claim 23 further requires that the system include a removable outer protective wrap that is configured to encase and surround the carton.

In the Office Action, claim 23 was rejected under 35 U.S.C. § 103 over Lane in view of Meller and further in view of Miller. In the Office Action, Miller was cited as teaching a tray that supports a tissue napkin 21 and a removable outer protective wrap 26 configured to encase and surround the tray.

Miller is directed to a receptacle for containing and displaying food products which tend to exude juices or liquids. As opposed to claim 23, Miller fails to disclose or suggest a removable outer protective wrap that encases and surrounds a 3-sided carton. Instead, Miller merely discloses a film material that covers the top of a tray or acts as a plastic bag. Thus, even if Miller were combined with the other cited references, the combined references would still fail to render obvious the system defined in claim 23.

In addition, it is respectfully submitted that there would be no motivation to combine the cited references to arrive at the present invention. As stated previously, Miller is directed to an improved receptacle that acts to substantially improve the appearance and shelf life of a product by absorbing exuded liquids thereby minimizing contamination of the product. Lane and Meller relate to a merchandising device, particularly to hold jars or bottles. There would be no motivation to combine the absorbent pad of Miller with the cited references. As such, the present claims are believed to be patentably distinct from the cited references.

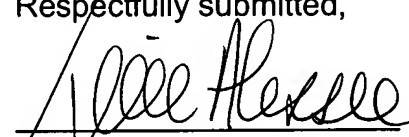
As such, Applicant respectfully submits that claim 23 is also in condition for allowance.

In the Office Action, claims 2, 4, 5, 8, 11-17, 19-20, 22, and 24-38 are rejected under 35 U.S.C. § 102 or 35 U.S.C. § 103. However, since these claims further limit and define the inventions of claims 1, 10, 21, and 23, it is believed that the claims also patentably define over the cited references.

In summary, it is believed that the claims as currently amended patentably define over the prior art of record. Favorable reconsideration and a notice of allowance are respectfully requested. Should any issues remain after consideration of this amendment, however, then Examiner Tran is invited and encouraged to telephone the undersigned at his convenience.

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Date

Respectfully submitted,

  
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Timothy A. Cassidy  
Reg. No. 38,024

DORITY & MANNING, P.A.  
P.O. Box 1449  
Greenville, SC 29602  
(864) 271-1592  
(864) 233-7342